



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

2830 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3670

April 6, 1999

Frank J. Williams, Senior Project Manager
Earth Tech, Inc.
12 Metro Park Road
Albany, New York 12205

Dear Mr. Williams:

This is in response to your December 11, 1998 letter to Mr. David Greenlaw of my staff regarding the appropriate disposal classification of oil recycling wastes at BCF Oil Refining, Inc. (BCF) which are contaminated with polychlorinated biphenyls (PCBs). The proposal is to allow disposal of sludges/solids from tanks based on their actual PCB concentration where analyses of samples indicate that the input of high concentration PCBs into the facility in 1994 is not related to PCB contamination in the sludge/solid material.

The BCF facility is located at 360 Maspeth Avenue, Brooklyn, New York and was previously a virgin petroleum terminal, converted to recycle oil in 1980 and purchased by BCF in 1985. In May, 1994, BCF discovered through its weekly product testing program that PCBs were in its system of tanks. Current concentrations of PCBs in large volumes of oil on site indicate that material containing PCBs at relatively high concentrations was received and passed through several tanks. BCF ceased business activities in June, 1994. There are several 20,000 gallon underground tanks, a 150,000 gallon underground tank converted to an oil/water separator, and four 110,000 gallon storage tanks. The underground tanks have a considerable quantity of sludge/solid material settled in them.

The situation at BCF is unique in some ways from typical situations where an oil recycler inadvertently adds material containing PCBs at high concentrations to a tank or tanks. The entire situation is described in your letter but key points are that the sludge/solid material at BCF tends to be dense, possibly because received materials may have had high proportions of sediment and other solids from manhole cleanouts. Another point is that in most cases there is a water and/or an emulsion layer above the sludges/solids and that the oils would normally float above this layer. These situations, combined with the expected behavior of PCBs as hydrophobic with a preference for adhering to solids, indicates that any PCBs introduced at the end of operations in 1994 may have had little or no impact on sludges/solids already accumulated in the tanks over years of operation.

Permit 92-95

375482



We agree with the approach outlined in your September 11, 1998 letter and BCF may proceed to remove the PCB contaminated liquids and dispose of them as PCB waste and subsequently characterize the sludges/solids to determine if there is a pattern of contamination related to the 1994 PCBs. If there is not such a pattern, the sludges/solids may be disposed of based on their actual PCB concentration. We are in effect allowing the tanks where PCB contamination from the 1994 incident is not related to the contamination in the sludge to be treated as if the sludge were in a separate container with the physical properties of the water layer and the uppermost portion of solids acting as the divider.

The sludge/solid material will be characterized in place before removal of that material to establish the PCB concentration in undisturbed material. BCF shall supply EPA at this office with the results of all sampling related to characterizing sludge/solid material in each tank impacted by PCB waste oil and BCF's proposed disposal method prior to removal of the material for disposal. EPA will then provide a written response regarding the appropriate disposal of the sludge/solid material in each tank. Sludges/solids from the tanks impacted by PCB waste oil shall not be disposed as non-PCB waste unless EPA agrees in writing with the disposal.

This approach is applicable only to the current situation described at BCF and may not be applied to any other situation of sludges/solids in tanks without written agreement by EPA. This decision is based on the information submitted in your December 11, 1998 letter and may be revoked or modified if additional relevant information becomes available or if EPA at any time determines that further implementation of this proposal is inconsistent with the PCB regulations (40 C.F.R. Part 761).

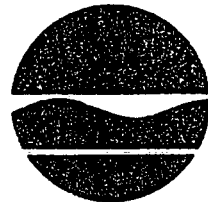
If you have any questions on this response, you may contact Mr. Greenlaw at (732) 906-6817, facsimile (732) 321-6788.

Sincerely,



Kenneth S. Stoller, P.E., QEP, DEE, Chief,
Pesticides and Toxic Substances Branch

New York State Department of Environmental Conservation
2 World Trade Center, RM.6126, New York, New York 10047



Henry G. Williams
Commissioner
Arnold Risman
Regional Director

April 13, 1984

Mr. Robert A. Abramo, Environmental Affairs
Maspeth Avenue Terminal Resource Recovery
Facility
362 Maspeth Avenue
Brooklyn, New York 11211

Re: Form 47-19-7(12/77)-Application For Treatment Or
Disposal Of An Industrial Or Hazardous Waste Stream
dated March 28, 1984 and submitted Two (2) Page
Laboratory Analysis Report of Tests identified as
Number 68676 dated February 24, 1984 performed by
the Chemical Services Division of the United States
Testing Company, Inc. of 1415 Park Avenue, Hoboken,
New Jersey 07030 - (For Tanks #9 and #7 - approximately
80 cubic yards)

Dear Mr. Abramo:

This is in regard to the Maspeth Avenue Terminal Resource Recovery
facility site concerning the Industrial Wastes generated in Tanks' #9 and
#7 identified as 100, 101, 102, and 103 in the Laboratory Report.

Based upon the submitted Laboratory Report of Test Number 68676 dated
February 24, 1984 of four (4) samples submitted by the client and identified
as 100, 101, 102 and 103; and the submitted Form 47-19-7(12/77) -
Application For Treatment Or Disposal Of An Industrial Waste Stream which
identifies the referenced test report for Tank #7 and #9, this office
does not object to the possible disposal of the Referenced Industrial
Waste at a Sanitary Landfill disposal facility since the E.P. Toxicity
Tests and PCB's test results do not indicate that samples taken of the
referenced Industrial Waste material to have failed the criteria for the
tests that were performed. Hence, the referenced waste would not be
regarded as Hazardous Waste.

Robert A. Abramo
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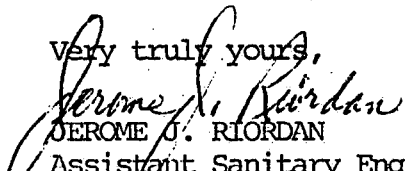
The generator who is responsible for such waste and the Waste Transporter are reminded that the transport and transfer of such Industrial Wastes to an off-site disposal facility requires that under the New York State Environmental Conservation Regulations that the Transporter must possess a valid New York State Waste Transporter Permit pursuant to 6 NYCRR Part 364 - Collection And Transport of Industrial, Commercial And Certain Other Wastes. A further requirement is that the Waste Transporter is restricted by his Specific Waste Transporter Permit to transport only the type or types of Wastes as specified on the Waste Transporter Permit and also to transport such waste only to such specified and designated Treatment, Storage, or Disposal Facility or facilities which are also indicated on the Permit for the waste or wastes transported and also in accordance with such conditions as may be specified on the particular Waste Transporter Permit.

With regard to the possible disposal of such industrial waste at any New York City Landfill (or for that matter at any landfill) it is a decision of the municipal operators of the landfill - the Department of Sanitation, City of New York as to whether or not to accept or to refuse to accept the above referenced industrial waste.

Since the City of New York Department of Consumer Affairs and the Department of Sanitation - City of New York have their own designated requirements and regulations, the Generator and the Waste Transporter are well advised to become familiar with these local municipal requirements and to contact the appropriate agencies in the regard well in advance of the date of the intended disposal of the waste and to obtain the required local permits prior to the actual date of disposal.

Should you have any questions in this matter, you may contact the undersigned at the above address or you may telephone (212) - 488-3862.

Very truly yours,


JEROME J. RIORDAN

Assistant Sanitary Engineer
Region 2 - Solid Waste
Management Unit

cc: File
S. Ervolina
M. Gigante
M. Massi
M. Goldman

JJR/vtp

FedEx USA Airbill
Express

FedEx
Tracking
Number

825137791043

Form
ID No.

0200

Recipient's Copy

1 From 8/9/01
Date

Sender's Name Stacey Williams-Fawn
Phone 315 432-8370

Company WRS

Address 6049 Corporate Drive

City E. Syracuse State NY ZIP 13057

2 Your Internal Billing Reference 501019

3 To Recipient's Name Tom Bidroe
Phone 732 906-6191

Company USEPA

Address 2890 Woodbridge Avenue

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MS-211

City Edison State NJ ZIP 08837



4a Express Package Service

☐ FedEx Priority Overnight
Next business morning

☒ FedEx Standard Overnight
Next business afternoon

Packages up to 150 lbs.
Delivery commitment may be later in some areas.
☐ FedEx First Overnight
Earliest next business morning
delivery to select locations

☐ FedEx 2Day*
Second business day

☐ FedEx Express Saver*
Third business day

* FedEx Envelope/Letter Rate not available
Minimum charge: One-pound rate

4b Express Freight Service

☐ FedEx 1 Day Freight*
Next business day

☐ FedEx 2 Day Freight
Second business day

☐ FedEx 3 Day Freight
Third business day

Packages over 150 lbs.
Delivery commitment may be later in some areas.

* Call for Confirmation:

5 Packaging

☒ FedEx Envelope/
Letter*

☒ FedEx Pak*

☐ Other Pkg.
Includes FedEx Box, FedEx Tube,
and customer pkg.

* Declared value limit \$500

6 Special Handling

☐ SATURDAY Delivery
Available only for FedEx Priority
Overnight and FedEx 2day
to select ZIP codes

☐ SUNDAY Delivery
Available only for FedEx Priority
Overnight to select ZIP codes

☐ HOLD Weekday
at FedEx Location
Not available with
FedEx First Overnight

☐ HOLD Saturday
at FedEx Location
Available only for FedEx Priority
Overnight and FedEx 2day
to select locations

Include FedEx address in Section 3.

Does this shipment contain dangerous goods?
One box must be checked.

☐ No

☐ Yes
As per attached
(Shipper's Declaration)

☐ Yes
Shipper's Declaration
not required

☐ Dry Ice
Dry Ice, 9 UN 1845

☐ Cargo Aircraft Only

Dangerous Goods cannot be shipped in FedEx packaging.

7 Payment Bill to:

☒ Sender
Acct. No. in Section
1 will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Obtain Recip.
Acct. No.

☐ Cash/Check

Total Packages 1

Total Weight 216 lbs

Total Declared Value* .00

Total Charges

Credit Card Auth.

*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature
and agree to indemnify and hold us harmless from any resulting claims.

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